IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

:

v. : CRIMINAL NO. 90-cr-107-93-JF

:

ROLANDO MARTINEZ

MEMORANDUM

Fullam, Sr. J.

December 10, 2009

The defendant, Rolando Martinez, acting pro se, has filed a Motion for Appointment of Counsel and a Motion for Modification of Sentence, invoking the recent retroactive modification of the crack cocaine guidelines. These motions will be denied without a hearing, however, since it is clear that (1) because of the quantity of cocaine involved in defendant's case, he is not and was not eligible for reduction of sentence, and (2) he has already completed the service of his sentence.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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ORDER

AND NOW, this $10^{\rm th}$ day of December 2009, upon consideration of Defendant's Motion for Appointment of Counsel and Motion for Modification of Sentence, IT IS ORDERED:

That the defendant's motions are DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.